SINGLE BENCH (2) (4)

CF1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 1358 /2007

PETITIONER : Sameer Kant Yadu
S/o. late L.L. Yadu, aged about 39 years, Head Master, Shashkiya Kanya Purva Madhyamik Shala, Station-para, Rajnandgaon, Block- Rajnandgaon, District - Rajnandgaon (C.G.)

P.R. No. 1588/07
Presented by Surendra Dewangan
Dated 23/2/07

VERSUS

RESPONDENTS :1. State of Chhattisgarh
Through : Secretary
Department of Education
Mantralaya, D.K.S. Bhawan,
Raipur (C.G.)

RECEIVED-COPY
23/2/07
for A. G. BIL. SPRA

2. District Education Officer,
Rajnandgaon, District
Rajnandgaon (C.G.)

3. Block Education Officer
Block - Rajnandgaon
District-Rajnandgaon (C.G.)

WRIT PETITION U/A 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS

(38)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 1358 of 2007.

Petitioner : Sameer Kant Yadu.

Versus

Respondents : State of Chhattisgarh & Others.

Present: Shri Goutam Khetrapal, Advocate for the petitioner.
Miss Deepali Pandey, Panel Lawyer for the State/respondents.

ORDER
(Passed on 9th of March, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner is working as Head Master. The petitioner obtained B.Ed. Examination certificate on 14.08.1992, on his own expenses.

2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teacher, who obtained B.Ed. Examination certificate on his own expenses, is entitled to two advance increments.

3. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** {2006 (II) MPJR-

CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioner has acquired B.Ed. Examination Certificate on his own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit